UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,078	04/07/2000	Stephane H Maes	Y0999-273(8728-298)	1114

7590 12/09/2004	**EXAMINER**
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ART UNIT	PAPER NUMBER
2142	

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DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/545,078	MAES, STEPHANE H
	Examiner	Art Unit
	Prieto Beatriz	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 April 2004_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-38_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _05,07 and 09/04_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication in response to Amendment filed 4/26/04, claims 1-38 remain pending.

2.   Acknowledgement is made to IDS filed 9/30/04, 05/28/04 and 07/30/04, all considered and initialed accordingly, hereby attached.

3.   Regarding claim 34 rejected under 35 U.S.C. 101, this method has been reconsidered and found claim meets the requirements noted in MPEP sections 2106 (iv) (A) and (B) as being of statutory subject matter independently from applicant's remarks, rejection is hereby withdrawn.

4.   Applicant's arguments directed to the claims as amended have been fully considered but not found persuasive. Subject matter that may overcome the main prior art of record as been identified. Suggestions that may amend the claims in a more effective manner are provided below.

Claim Rejection under 35 U.S.C.

5.   Quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action may be found in previous office action.

6.   Claim 1-25 and 27-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor et. al. (U.S. Patent No. 6,501,832) (Saylor hereafter).

Regarding claim 1, Saylor teaches substantial features of the invention, including

a ("conversational") browser, which provides a ("conversational") user interface to enable access to a ("conversational") portal (12) across a ("plurality of different modalities") two or more multi-modal dialog (Saylor: speech-only or text via a phone or Web; respectively see col 4/lines 43-col 5/line via 20);

wherein the conversational browser establishes or support ("adapts") an interaction dialog between the conversational portal (12) and a client (14) which access the conversational portal over a communication network (16) based on one modalities of the client e.g. audio or visual capability (access over the phone or logging via Web see col 4/lines 43-col 5/line 8, retrieve voice or visual display of requested content see col 5/lines 9-20, text for visual display see col 8/lines 32-36) ;

wherein the conversational browser can perform conversational browsing to retrieve one page from an information source (70, 18 or 22) in response to a client's request and server or present the retrieved page to the requesting client in a format that is compatible with one modalities of the requesting client by converting the retrieved page, if necessary (col 8/lines 14-63, col 5/lines 4-8, and col 5/lines 9-20, text-speech conversion for client using a phone see col 4/lines 16-28, and col 8/lines 29-32);

said plurality of modalities including audio (e.g. voice) and non-audio modalities (e.g. text) (col 5/lines 9-20, col 8/lines 14-36, and col 12/lines 20-44).

Regarding claims 2-3, the information provided by the information sources is implemented in a multi-modal representation, which is a format (modality-independent format) (Saylor: col 14/lines 46-60, multi-modal content col 23/lines 34-47, col 4/lines 43-col 5/line 20).

Regarding claim 4, computing device (transcoder), operatively associated with the conversational browser, for converting the (multi-modal) information into one specific format (modality-specific format) that corresponds to a modality of the requesting client (Saylor: col 23/lines 60-67, col 21/lines 7-41).

Regarding claim 5, the conversational portal discovers, ascertain, identify (i.e. detects) the modality of the requesting client to convert the multi-modal information into the modality-specific format (Saylor: col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67).

Regarding claim 6, discern (i.e. detects) the modality of the requesting client based on the registration protocols (Saylor: registration setup: transactions based on user identified registration, col 8/lines 56-col 8/line 13, subscribe registration discern modalities of client, col 16/lines 18-col 17/line 4).

Regarding claim 7, comprising a (portal directory) database (Saylor: 18 of Fig. 1, col 14/lines 19-28), accessible by the conversational browser, for storing one of an index of information sources; (Saylor: indexed: col 18/lines 13-19, index: col 8/lines 14-36).

Regarding claim 8, the information is maintained in a (multi-modal) format by a service provider (Saylor: 70 of Fig. 1, col 11/lines 43-52) of the conversational portal under business agreements between the service provider of the conversational portal and service provider of the information sources (Saylor: business arrangement: col 34/lines 14-34, business: col 38/lines 13-24).

Regarding claim 9, capturing a connection between the requesting client and the conversational portal and maintaining communication link (holding the client captive) during predetermined time periods (Saylor: col 26/lines 39-40).

Regarding claim 10, a link provided by the conversational browser is selected by the requesting client and rendered or served to the requesting client (Saylor: voice browser; col 26/lines 41-54).

Regarding claim 11, the requesting client is released when a link is directly requested by the requesting client (Saylor: col 26/lines 39-40).

Regarding claim 12, a service provider of the conversational portal provides advertisements, during time period in which the requesting client is connected (Saylor: col 26/lines 39-40).

Regarding claim 13, time period between connections established links between different information sources (Saylor: col 26/lines 39-40).

Regarding claim 14, wherein the advertisements and services are multi-modal (Saylor: content: col 2/lines 5-16, visual or audio content, & multi-modal information col 4/lines 16-28, advertisements: col 9/lines 54-58, ads; col 36/lines 48-67).

Regarding claim 15, wherein the advertisements and services are provided by the service provider on behalf of a third-party under a business agreement between the service provider of the conversational portal and third-party (Saylor: col 36/lines 48-col 37/line, third-party, col 45/lines 65-col 46/line 25).

Regarding claim 16, for creating audio files or clips (segmenting) and forming structural order of the audio files or clips (indexing) audio and multimedia data obtained from an information source (Saylor: col 8/lines 14-36 audio or visual information; indexing multimedia (text, graphics, audio, video) retrieval Saylor: col 8/lines 37-53); and a multimedia database for storing the indexed audio and multimedia data (Saylor: col 8/lines 37-53, index database; col 18/lines 13-19).

Regarding claim 17, retrieving as discussed above, obtains desired segments from the multimedia database in response to a client request and presents such segments to the client (Saylor: col 8/lines 14-53, index database; col 18/lines 13-19) based on the I/O capabilities of the client (Saylor: col 3/line 63-col

4/line 4 format that is compatible with the I/O modalities of the requesting client col 8/lines 14-36, presented to the user: col 5/lines 4-8, provide to user visual or audio content: col 5/lines 9-20).

Regarding claim 18, the conversational browser periodically downloads multimedia data from one information source to index and store the multimedia data in the multimedia database (Saylor: col 18/lines 32-38).

Regarding claim 19, the downloading and indexing of the multimedia data of the information source is performed under a business agreement between a service provider of the conversational portal and a service provider of the information source (Saylor: col 7/lines 4-17).

Regarding claim 20, subscription program for registering a subscriber (Saylor: col 7/lines 56-col 8/line 13), a program comprising user-selected multimedia segments in the multimedia database (selection of clips see Saylor col 7/lines 32-47, segments col 9/lines 47-58).

Regarding claim 21, (registered) subscriber can conversationally navigate the program and select desired segments for broadcasting via the requesting client (Saylor: col 5/lines 9-20).

Regarding claim 22, however the above-mentioned prior art of record does not teach radio services upon request (i.e. upon demand) which the registered subscriber access via a wireless phone (Saylor: wireless access protocol device see col 5/lines 9-20, wireless network providers accessed over wireless phones see col 5/lines 31-37, over a wireless telephone network see col 10/lines 6-13).

Regarding claim 23, comprising features discussed on claim 1, same rationale of rejection is applicable and further:

an access device having one modality (Saylor: device supporting one modality: col 9/lines 59-col 10/line 5, client access device: col 5/lines 9-20 supporting one modality, user device: col 14/lines 10-14); a content server (70 of Fig. 1, col 11/lines 43-52 or 18 of Fig. 1, col 14/lines 19-28).

Regarding claim 24, the content server provides one of multi-modal content Vpages (pages) (Saylor: visual/audio mode page content, col 2/lines 4-17, multi-mode content, col 4/lines 43-59).

Regarding claim 25, wherein the multi-modal content pages and applications are implemented in a modality-independent representation (Saylor: col 4/lines 43-59, multi modal, col 14/lines 56-59, multi-modal Vpages, col 21/lines 7-41).

Regarding claim 26, a voice (conversational) browser for fetching and processing a multi-modal content page for presentation to a user based on the I/O capabilities of the access device supporting user selection (Saylor: processing for presentation, i.e. rendering see col 26/lines 41-45, fetch col 29/lines 17-28).

Regarding claim 27, converting one multi-modal content page into one modality-specific representation based on detected modality of the access device (Saylor: col 23/lines 60-67, col 21/lines 7-41).

Regarding claim 28, accessible by the conversational portal, for converting a modality-specific site of a content provider into a multi-modal representation (Saylor: the conversational portal discover, ascertain, identify (i.e. detects) the I/0 modalities of the requesting client to convert the multi-modal information into the modality-specific format col 21/lines 7-41, modality of client: col 18/lines 45-col 19/line 11, col 19/lines 46-50, conversion: col 23/lines 60-67).

Regarding claim 29, the conversion service is provided by the content provider (Saylor: col 2/lines 21-26, 59-64) or a third-party under a business agreement with the content provider (Saylor: col 7/lines 4-23).

Regarding claim 30, an interface (conversational browser) (Saylor: interface col 5/lines 2-8) for processing and presenting one of a multi-modal content page and application received by the conversational portal (Saylor: col 10/lines 62-64).

Regarding claim 31, the conversational portal is access by calling a pre-designated telephone number (Saylor: dialing a number, col 6/lines 30-33, connect via telephone, col 25/lines 59-63.

Regarding claim 32, a listing (directory) of content server addresses (Saylor: col 14/lines 23-32).

Regarding claim 33, wherein the (portal directory) database comprises one of multi-modal content pages (Saylor: col 14/lines 23-27), associated with one content provider hosted by the conversational portal (Saylor: multi-modal pages associated with provider 70 of Fig. 1, col 11/lines 43-52)

Regarding claim 34, comprising features discussed on claims 1 and 23, same rationale of rejection is applicable, and further wherein: access to information is over a communication network (16 of Fig. 1) (Saylor: col 14/lines 14-22); establishing communication with a conversational portal using an access device (14 of Fig. 1) (Saylor: col 14/lines 1-22, access via communication link, col 5/lines 21-37, communication medium, col 11/lines 43-52).

Regarding claim 35, the retrieved information comprises one of multi-modal content pages (modality-independent format) (Saylor: col 14/lines 46-60, multi-modal content col 23/lines 34-47, col 4/lines 43-col 5/line 20).

Regarding claim 36, detecting by the conversational portal at least one modality of the access device (Fig. 8), and transcoding i.e. converting the retrieved multi-modal information into at least one modality-specific format corresponding to the at least one detect modality (Saylor: text-speech conversion for client using a phone see col 4/lines 16-28, and col 8/lines 29-32).

Regarding claim 37, established communication with the user (i.e. holding the user captive) during a period in which the retrieving step is executed, presenting one of advertisements (Saylor: col 26/lines 39-40).

Regarding claim 38, provide a broadcast on demand service (Saylor: col 26/lines 39-40).

7.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Jamtgaard et. al. (U.S. Patent No. 6,430,624) (Jamtgaard hereafter).

Regarding claim 1, Jamtgaard teaches substantial features of the invention, including

        enabling access to a computer providing access to services ("portal") across a plurality of different modalities, wherein the computer adapts the communication between the portal and the client based on one modality of the client (Figs. 1-4 elements 5, 15 and col 4/lines 58-col 5/line 6);

        retrieving request by the client content ("pages) from an source by the portal for presenting to the client (col 7/lines 13-15 and col 4/lines 39-50) including audio and non-audio modalities (col 7/lines 1-12);

        serving or presenting the retrieved content to the requesting client in a format compatible with the client's modality capability by converting content if needed (col 4/lines 39-50 and col 7/lines 12-30).

Response to Arguments

8.   Applicant argues with respect to claim 1, rejected under 102 over Saylor, that the reference does

not teach added claim limitation, specifically, accessing audio and non-audio modalities because Saylor

discloses a Voice portal system that only provides voice content by serving Vpages.

In response to the above-mentioned argument, applicant's interpretation of the prior art is noted,

however, the prior art teaches providing voice and text via said portal. Specific portions are column 8,

lines 14-36 which reads:

> According to at least one embodiment, the content of a VPage is preferably an XML-based voice content file (e.g.,
> TML or Voice XML) that may be interpreted by a XML-based voice content interpreter and played for the user via the
> user's phone. As discussed below, XML-based voice content files are structured to provide call flow. According to
> another embodiment, a VNAP may also maintain an index of information or other content that is available
> corresponding to a VCode. For example, a VNAP may store XML-based voice content VPages, each having a
> corresponding VCode and may also store an index of other information (in other formats), where selected index entries
> may be provided to the user (e.g., via a voice menu). If the user is interested in one of the indexed entries, the VNAP
> retrieves the information corresponding to the selected indexed entry and provide it to the user via the user's phone.
> For example, the VNAP may pass the information through a text-to-speech engine to create a sound file and play the
> sound file for the user via the user's phone. Alternatively, or in addition thereto, text or other content may be displayed
> on or output to the user's phone or other terminal device. Dynamic VPage generation may also be provided where
> VPage content is generated on the fly from other content.

Another portion column 12, lines 20-44 reads:

> Each VPage server may comprise a plurality of modules for performing this functionality. Specifically, the   VPage
> server may serve identified pages over the communications network to the VNAP requesting them. Also, a   VPage
> storage engine may be provided for storing VPages in the associated database system when received from a   content
> provider. A VPage translation system may be provided to convert text files to voice files for storage as voice files or
> for delivery to users and may perform other translation functions as desired. An email/FTP processing system may be
> provided by the VPage server to receive email and FTP downloads of content from content providers for storage in the
> database and inclusion in one or more   VPages. Also, a voice-to-text system   may be provided to convert voice files
> to text, if desired. A voice recording system may also be provided to enable content providers to directly record voice
> content for storage and inclusion in VPages. Also, a TML engine may be provided for creating, compiling and storing
> TML files that are to be stored and served by that VPage server. This and other system architectures may comprise
> a voice network access system that connects these components to provide a community of users that are connected
> to a community of content providers through one or more VNAPs.

Further portion column 5, lines 9-20 reads:

> One embodiment of the invention relates to a system and method for enabling users to use these novel
> VCodes to selectively access stored content via a telephone device. Based on information made available
> to the user, the user calls in to a VNAP and enters a VCode corresponding to the desired content. The
> VNAP locates the requested content (e.g., by referring to the registry) retrieves the content (e.g., the VPage
> or VBook) and provides the content to the user via the user's phone, enabling the user to hear the content.
> In some cases, the VNAP may also provide text for display on the user's phone, or other output to a
> wireless access protocol device.

9.   Applicant argues with respect to claim 1 rejected over Jamtgaard, that the prior art does not teach

a portal because a web site is not a portal and proxy server that translates is not a portal.

In response to the above-mentioned argument, Applicant's interpretation of the prior art is noted.

However according to applicant's specification, it is respectfully noted that the conversational portal

comprises a portal proxy/capture module (20) on Fig. 1 (see specs p. 19, lines 8-10). Applicant's invention describes on Fig. 1 a conversational proxy sever (27) having a transcoder (28) which may be used to transcode pages/application of a site(s) of a given content provider (see specs p. 28, line 19 to p. 29, line 5).

Applicant's argument that a web site through which access is provided to another site is not a portal (in the case of Saylor) is not persuasive. Arguments that a proxy server having conversion (i.e. transcoding or translating) capabilities (in the case of Jamtgaard) is not a portal are not persuasive.

10.   Applicant's arguments have been fully considered but not found persuasive.

Suggestion/Recommendation

11.   Applicant's attention is directed to specs p. 27, specifically, the feature wherein the client is configured with transcoding capabilities. The client is adapted to transcode content into two different synchronized modalities, such as WML and VoiceXML document and HTML and VoiceXML.

Applicant is urged to consider the prior art of record to determine if this is not taught by any of the references before claim construction of this feature.

12.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beatriz Prieto whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:30 to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained fro the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-drect.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

B. Prieto
Patent Examiner
December 1, 2004